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EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,650

Applicant(s)

ROWE, RICHARD E.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- On page 8, line 20, controller (30) is not shown or labeled in figure 2A.
- On page 10, line 9, controller (80) is not shown or labeled in figure 2C.
- On page 26, line 30, the controller is referred to as (100), however, a controller (100) is not shown in any of the figures.
- On page 29, line 6, the gaming unit is referred to as (20), however, a gaming unit (20) is not shown in any of the figures.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because:

- In figure 3A, “welcome” is misspelled “welcom”.
- In figure 3A, “expiration” is misspelled “experation”.
- In figure 3D, “elapsed” is misspelled “elapsep”.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it exceeds 150 words as required by 37 C.F.R. § 1.72(b). Correction is required. See MPEP § 608.01(b).

4. The use of the trademarks Windows 2000 and Microsoft has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. The disclosure is objected to because of the following informalities:

- On page 11, line 13 “transfer” should be changed to “transfers”.

Correction is required.

Claim Objections

6. It is noted that claims 1, 27, 29, 32, 33, 34, and 36 recite “the Internet”. While the term “Internet” is trademarked for goods and services, it is not presently trademarked for the service of a computer network. However, it is a term that is relative given both the rate at which technology is evolving, and misused by modern media. The Internet is an infrastructure that supports the transmission of electronic data. It consists of all servers, routers, telephone lines, satellites, and other communications instruments used to convey electronic data, including Web sites, e-mail, usenets, and newsgroups, from one point to another. By using the term Internet, Applicant must be careful to delineate whether intending to claim the infrastructure of the Internet, or use of the infrastructure. Furthermore, what is accepted as the conventional scope of

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the Internet today, in terms of infrastructure, is quite different from that which was accepted as briefly as five years ago, and it is unknown what will be accepted as the "Internet" of tomorrow. For these reasons, it is strongly urged that Applicant consider using more generic computer network terminology to claim the invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 8-12, 16-18, 22-24, 27-37, and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiltshire et al. (U.S. 6,409,602).

Wiltshire et al. discloses a slim terminal gaming system wherein a player(s) at a remote client/terminal computer(s) is allowed to access multiple computer game programs via one or more server/host computers through a network, such as, the Internet. Wiltshire et al. additionally discloses:

Regarding Claims 1, 9, 16, 22, 27, 29, 31, 32, 33, 34, 35, 36, 37, 40, 41, and 42:

- a first gaming server (server/host computer 110) that facilitates play of a first game by a player utilizing one of said remote player devices (remote client/terminal computers 120), said first gaming server comprising a controller that comprises a processor and a memory in which image data corresponding to a video image representing said first game is stored, said controller being programmed to facilitate play of said first game

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and said first game being one of the following games: poker, blackjack, slots, keno or bingo (Claim 1, Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44);

- a second gaming server (server/host computer **110**) that facilitates play of a second game by a player utilizing one of said remote player devices (remote client/terminal computers **120**), said second game being different than said first game, said second gaming server comprising a controller that comprises a processor and a memory in which image data corresponding to a video image representing said second game is stored, said controller of said second gaming server being programmed to facilitate play of said second game and said second game being one of the following games: poker, blackjack, slots, keno or bingo (Claim 1, Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44); and
- a website server (network interface **115**) that is capable of being operatively coupled via the Internet (communication pathways **130**) to said remote player devices, said website server capable of being operatively coupled to said first and second gaming servers, said website server comprising (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1):
- a controller that comprises a processor and a memory (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1); and

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- a network communications circuit coupled to said controller of said website server, said network communications circuit allowing data to be communicated between said controller of said website server and said remote player devices (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1),
- said controller of said website server being programmed to cause logon display data (logon via smart card data) to be transmitted to one of said remote player devices via said network communications circuit when said one remote player device is operatively coupled to said website server (Column 4, lines 29-33),
- said controller of said website server being programmed to cause player data received from said one remote player device to be stored in memory (Column 4, lines 29-33),
- said controller of said website server being programmed to cause data representing a game selection display (virtual casino floor showing video poker, keno, slots, black jack, etc. game selections) to be transmitted to said one remote player device, said game selection display comprising a first image representing said first game and a second image representing said second game (Figure 4B),
- said controller of said website server being programmed to receive data representing a game selection from said one remote player device (Column 8, lines 51-55),
- said controller of said website server being programmed to facilitate data communication between said one remote player device and said first gaming server if said player selected said first game for play (Claim 1), and

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- said controller of said website server being programmed to facilitate data communication between said one remote player device and said second gaming server if said player selected said second game for play (Claim 1).

Regarding Claims 2, 28, and 30:

- wherein said memory of said first gaming server stores image data representing an image of at least five playing cards if said first game comprises poker (Figure 7B),
- wherein said memory of said first gaming server stores image data representing an image of a plurality of simulated slot machine reels if said first game comprises slots (Figure 5A),
- wherein said memory of said first gaming server stores image data representing an image of a plurality of playing cards if said first game comprises blackjack (Figure 6A),
- wherein said memory of said first gaming server stores image data representing an image of a plurality of keno numbers if said first game comprises keno (Figure 9B), and
- wherein said memory of said first gaming server stores image data representing an image of a bingo grid if said first game comprises bingo (Column 1, lines 26-44).

Regarding Claims 3, 11, 17, and 23:

- wherein said controller of said first gaming server comprises a plurality of processors capable of parallel operation (Claim 1).

Regarding Claims 4, 12, 18, and 24:

- wherein said first game and said second game are the same type of game (Figure 6A and 7B). Blackjack is depicted in figure 6A and Poker is depicted in figure 7B. Both are the same type of game, that game being a card game.

Regarding Claim 8:

- wherein said first game may be played exclusively via said first gaming server, wherein said controller of said first gaming server is not programmed to facilitate play of said second game, and wherein said memory of said first gaming server does not store image data corresponding to a video image representing said second game (Claim 1); and
- wherein said second game may be played exclusively via said second gaming server, wherein said controller of said second gaming server is not programmed to facilitate play of said first game, and wherein said memory of said second gaming server does not store image data corresponding to a video image representing said first game (Claim 1).

Regarding Claim 10:

- wherein said first image comprises a first icon (virtual casino floor showing video poker button (Icon) 440, keno button (Icon) 460, slots button (Icon) 450, black jack button (Icon) 430, etc. game selections) and wherein said second image comprises a second icon (virtual casino floor showing video poker button (Icon) 440, keno button (Icon) 460, slots button (Icon) 450, black jack button (Icon) 430, etc. game selections) and wherein said controller of said website server is programmed to cause data

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representing said first and second icons to be transmitted to said one remote player device (Claim 1 and Figure 4B).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 13, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Moody (U.S. 6,098,985).

Wiltshire et al. discloses to one having ordinary skill in the art that as discussed above regarding Claims 1-4, 8-12, 16-18, 22-24, 27-37, and 40-42. Although Wiltshire et al. discloses a gaming system wherein a player can play a poker game, Wiltshire et al. seems to lack explicitly disclosing:

Regarding Claims 5, 13, 19, and 25:

- a game comprises a multi-hand poker game.

Moody teaches of a computer game system wherein a player can play multiple hands of poker. Since Wiltshire et al. and Moody both teach of game systems wherein a player can play a game of poker on a computer game system, they are analogous art. Furthermore, Moody teaches:

Regarding Claims 5, 13, 19, and 25:

- a game comprises a multi-hand poker game (Column 1, lines 37-52).

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It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Moody's multi-hand poker game in Wiltshire's gaming system. One would be motivated to do so because the game allows a player to discard and replace unwanted cards with replacement cards in a first poker hand, distribute the cards kept in the first hand to the remaining hands, and play poker for each of the poker hands, wherein the player is paid for any winning poker hands based upon a pay table and the amount of the player's wager making the game very exciting.

11. Claims 6, 7, 14, 15, 20, 21, 26, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Holch et al. (U.S. 6,089,982).

Wiltshire et al. discloses to one having ordinary skill in the art that as discussed above regarding Claims 1-4, 8-12, 16-18, 22-24, 27-37, and 40-42. Although Wiltshire et al. discloses each client/terminal computer (120) includes wagering or bet acceptor device (150), such as a coin collector, a bill collector, a smart-card reader, a credit card reader, etc, Wiltshire et al. seems to lack explicitly disclosing:

Regarding Claim 6:

- wherein said controller of one of said gaming servers is programmed to encrypt data transmitted to said website server and wherein said controller of said website server is programmed to decrypt data received by said website server from one of said gaming servers.

Regarding Claims 7, 15, 21, and 26:

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- wherein one of said controllers of one of said gaming servers is programmed to determine whether a data communication received by said one gaming server was transmitted by an authorized sender.

Regarding Claims 14 and 20:

- wherein said controller is programmed to decrypt data received by said website server from one of said gaming servers.

Regarding Claim 38:

- encrypting said first game display data prior to transmitting said first game display data from
- said gaming apparatus to said website computing apparatus; and
- encrypting said second game display data prior to transmitting said second game display data from said gaming apparatus to said website computing apparatus.

Regarding Claim 39:

- decrypting said wager data after receiving said wager data from said website computing apparatus.

Holch et al., like Wiltshire et al., teaches of an online gaming system wherein a player is allowed to select from multiple wagering games to play at a player terminal. Therefore, Holch et al. and Wiltshire et al. are analogous art. Furthermore, Holch et al. teaches of encrypting player pin and account data while communicating over a network. Holch et al. teaches:

Regarding Claim 6:

- wherein said controller of one of said gaming servers is programmed to encrypt data transmitted to said website server and wherein said controller of said website server is

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programmed to decrypt data received by said website server from one of said gaming servers (Figure 5a and Column 6, lines 52-65).

Regarding Claims 7, 15, 21, and 26:

- wherein one of said controllers of one of said gaming servers is programmed to determine whether a data communication received by said one gaming server was transmitted by an authorized sender (Figure 5a and Column 6, lines 52-65).

Regarding Claims 14 and 20:

- wherein said controller is programmed to decrypt data received by said website server from one of said gaming servers (Figure 5a and Column 6, lines 52-65).

Regarding Claim 38:

- encrypting said first game display data prior to transmitting said first game display data from said gaming apparatus to said website computing apparatus (Figure 5a and Column 6, lines 52-65); and
- encrypting said second game display data prior to transmitting said second game display data from said gaming apparatus to said website computing apparatus (Figure 5a and Column 6, lines 52-65).

Regarding Claim 39:

- decrypting said wager data after receiving said wager data from said website computing apparatus (Figure 5a and Column 6, lines 52-65).

Additionally, securing sensitive data over a network such as the Internet via encryption techniques are notoriously well known. For instance, encryption techniques can be used for accessing personal finance accounts at financial institutions on the Internet or purchasing

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merchandise from a retailers website. Therefore, it would have been obvious at the time of Applicant's invention to utilize encryption techniques, such as those discussed in Holch to transmit data securely in Wiltshire. One would be motivated to do so because providing a secure data interface enables a remote game player to have a piece of mind when making financial transactions, such as wagers via a credit card, over the Internet.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vuong et al. '552, Lindo '834, and Haste, III '820 disclose systems and methods for online gaming.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones
Examiner
Art Unit 3713



sej